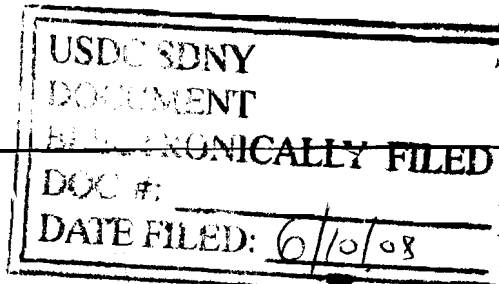


U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

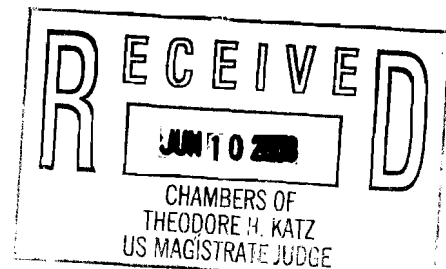
June 10, 2008

By Fax to 212-805-7932

MEMO ENDORSED

The Honorable Theodore H. Katz
United States Magistrate Court
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Fermin
08 Civ. 925 (JSR)(THK)



Dear Judge Katz:

The Government respectfully requests an extension of time until June 17, 2008, to file its response to the above-referenced habeas petition. This Office has no record of having been served with the defendant's petition, or of receiving electronic notification of its filing through ECF. We first learned of the petition on May 28, 2008, when Your Honor's clerk contacted the undersigned AUSA. Immediately after learning of the petition, we requisitioned from storage the underlying criminal file pertaining to Mr. Fermin's illegal re-entry conviction, and we received that file a few days ago. We are presently preparing a response to the issues raised in the petition and request an extension until June 17th to finalize that response and file it with the Court.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:
LISA R. ZORNBERG
Assistant United States Attorney
(212) 637-2720

cc: Manuel K. Fermin (by regular mail)
06280-052
Moshannon Valley Correctional Facility
555 I-Cornell Drive
Philisburg, PA 16866

*The response to the Petition
shall be filed by June 17, 2008.
Any reply shall be filed by
July 7, 2008.*

*So ordered
Theodore H. Katz
USMJ*
6/10/08